

COMMONWEALTH OF VIRGINIA
SANITARY REGULATIONS FOR HOTELS

April 1999

Virginia Department of Health
Richmond, Virginia

PART I

GENERAL FRAMEWORK FOR REGULATIONS

Article 1

Definitions

12 VAC 5-430-10 Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

“Agent” means a legally authorized representative for the owner.

“Approved water supply” means a waterworks which has a valid waterworks operation permit from the department or a water supply which is evaluated for compliance with the *Private Well Regulations*, tested and if found in reasonable compliance with the applicable standards, accepted and approved by the Commissioner or the Commissioner’s designee.

“Bed and breakfast facility” means a residential type establishment that provides two (2) or more rental accommodations and food service on any single night to a maximum of twelve (12) transient guests for a period of five (5) or more days in any calendar year.

“Commissioner” means the state health Commissioner or his designee who has been delegated powers in accordance with 12 VAC 5-430-120(B) of these regulations.

“District health department” means a consolidation of local health departments as authorized in § 32.1-31.C of the Code of Virginia.

“Director” means the local health director or his subordinate who has been delegated powers in accordance with 12 VAC 5-430-120(B) of these regulations.

“Division” means the Division of Food and Environmental Services.

"Employees" means and includes all maids, porters, and any other persons, whose duties include the cleaning of rooms, toilets, or any part of the building, or the rendering of service to guests.

“Hot water” as defined by the Virginia Uniform Statewide Building Code.

~~“Hotel” means any establishment, by whatever name known, offering lodging or sleeping accommodations to transient guests for pay.~~

“Hotels” means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels and similar facilities by whatever name called which consist of two or more lodging units.

“Local health department” means the department established in each city and county in accordance with § 32.1-1-30 of the *Code of Virginia*.

“Lodging unit” means any room which is established and maintained for use as a sleeping area for temporary occupancy.

“Office” means the Office of Environmental Health Services of the Virginia Department of Health.

“Operator” means any person who is responsible for the daily operation of a hotel.

“Owner” means any person, who owns, leases, or proposes to own or lease a hotel.

“Permit” means a license to operate a hotel.

“Person” means an association, a corporation, individual, partnership, other legal entity,

government, or governmental subdivision or agency.

“Person in charge” means the individual present at a hotel who is responsible for the operation at the time of inspection.

“Sanitary survey” means an investigation or inspection of any condition that may affect public health.

“Sewage” means water carried and non-water carried human excrement, kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

“Sewage disposal system” means a sewerage system or treatment works designed not to result in a point source discharge.

“Sewer” means any sanitary or combined sewer used to convey sewage or municipal or industrial wastes.

“Sewerage system” means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

“Single-service articles” means cups, containers, lids, closures plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, wooden chopsticks, toothpicks and similar articles intended for one-time, one-person use and then discarded.

“Swimming pool” means any structure, basin chamber, or tank, located either indoors or outdoors, containing an artificial body of water intended to be used for swimming, wading, diving or recreational bathing, including spas and hot tubs, and having a water depth of 24 inches or more at any point.

“Transient” means any individual who occupies a lodging unit in a hotel.

“Treatment works” means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluents resulting from such treatment.

“Variance” means a conditional waiver to a specific regulation granted by the Commissioner pursuant to 12 VAC 5-430-200 to a specific owner relating to a specific situation or facility and may be for a specified time period.

Article 2

General Provisions

~~12 VAC 5-430-20. Sewage disposal and toilet facilities.~~

~~Every hotel shall be provided with an approved method of sewage disposal, and adequate approved toilet facilities. All toilet rooms shall be effectively ventilated by means of window or flue leading to the outside air.~~

12 VAC 5-430-25. Authority for Regulations.

Titles 32.1 and 35.1 of the *Code of Virginia*, and specifically § 32.1-12, § 35.1-11, and § 35.1-13, authorize regulations governing hotels. The regulations of the Board governing hotels shall include, but not be limited to: (i) food preparation and handling; (ii) physical plant sanitation; (iii) the provision, storage and cleansing of linens and towels; (iv) general housekeeping and maintenance practices; (v) requirements for approved water supply and sewage disposal systems; (vi) vector and pest control; (vii) ice machines and dispensers of perishable food items; and (viii) a procedure for obtaining a license.

12 VAC 5-430-30. Water supply and glasses.

~~In every hotel there shall be an adequate, approved water supply. If a dual supply is in use, both supplies must be approved or safe guards provided against the use of the unsafe supply.~~

~~Approved bactericidal treatment shall be provided to all glasses in hotel rooms after each occupancy.~~

12 VAC 5-430-35. Purpose of Regulations.

These regulations have been promulgated by the State Board of Health to specify the following requirements to protect public health:

- A. Criteria for assuring the safe preparation, handling, protection and/or temperature control for food;

- B. Criteria for maintaining physical plant sanitation;

- C. Criteria for the storage and cleansing of linens and towels;

- D. Criteria for general housekeeping and maintenance;

- E. Requirements for approved water and sewage disposal systems;

- F. Criteria for vector and pest control;
- G. Criteria for ice machines and dispensers of perishable food items; and
- H. Procedure for obtaining a license.

12 VAC 5-430-40. ~~Furniture, beds, bedding, towels and soap.~~

~~The furniture, windows, shades, draperies, floors, walls, ceilings, toilet bowls, wash basins, bath tubs and all other equipment and appurtenances in use in any room in any hotel must be in good repair and kept clean. All beds, springs, mattresses and bed clothing shall be in good repair and kept clean. Sheets shall be approved of legal size and changed after each occupancy. Individual towel and soap shall be provided in all public toilet rooms and all bedrooms.~~

12 VAC 5-430-45. Relationship to Virginia Rules and Regulations of the Board of Health Governing Restaurants.

The Virginia Rules and Regulation of the Board of Health Governing Restaurants promulgated by the Board of Health under § 32.1 Code of Virginia, shall be applicable to hotels.

12 VAC 5-430-50. ~~Lighting.~~

~~Proper light shall be provided in all rooms, halls and stairways.~~

12 VAC 5-430-55. Relationship to Virginia Sewage Handling and Disposal

Regulations.

The Virginia Sewage Handling and Disposal Regulations promulgated by the Board of Health under Title 32.1, Code of Virginia shall be applicable to hotels.

~~12 VAC 5-430-60. Bed space and windows~~

~~In hotels where dormitories (more than three beds in a room) are used, all beds shall be spaced at least five feet apart. There shall be at least one window opening to the outside in any such room.~~

12 VAC 5-430-65. Relationship to Virginia Waterworks Regulations.

The Waterworks Regulations promulgated by the Board of Health under Title 32.1, Code of Virginia, shall be applicable to hotels.

~~12 VAC 5-430-70. Premises to be kept clean; vermin, insect and rodent control.~~

~~Premises and all storage rooms of hotels shall be kept orderly and clean and effective~~

~~vermin, insect and rodent control shall be maintained throughout the establishment.~~

12 VAC 5-430-75. Relationship to Virginia Sewerage Regulations.

The Virginia Sewerage Regulations promulgated by the Board of Health under Title 32.1, Code of Virginia, shall be applicable to hotels.

~~12 VAC 5-430-80. Elimination of possibility of asphyxiation.~~

~~Every precaution shall be observed to eliminate the possibility of asphyxiation from heating or lighting appliances.~~

12 VAC 5-430-85. Relationship to Uniform Statewide Building Code.

These regulations are in addition to the requirements of the Uniform Statewide Building Code.

~~12 VAC 5-430-90. Posting of certificates.~~

~~The certificate issued by the State Health Department, permitting hotels to operate, shall be conspicuously posted during the tenure of the certificate.~~

12 VAC 5-430-95. Relationship to the *Private Well Regulations*.

The *Private Well Regulations* as promulgated by the Board of Health under Title 32.1, *Code of Virginia*, shall be applicable as appropriate to hotels.

12 VAC 5-430-100. ~~Posting of rates; liability~~

~~All innkeepers shall post conspicuously in each bedroom occupied by transient guests the rates for the room together with sections §§ 35.1-27 and 35.1-28 of the Code of Virginia in which are prescribed the duties, liability and limitation of liability of innkeepers.~~

12 VAC 5-430-105. Relationship to *Swimming Pool Regulations*.

The *Swimming Pool Regulations* promulgated by the Board of Health under Title 32.1, *Code of Virginia*, shall be applicable to hotels.

12 VAC 5-430-110. ~~Fire prevention.~~

~~Every hotel shall provide each floor with one or more fire extinguishers, to be kept in working order at all times. In every hotel having fire escapes, conspicuous notices shall be kept~~

~~posted at the entrance of each hall, stairway, elevator shaft, and in each bedroom above the ground floor, directing guests to the fire escapes.~~

12 VAC 5-430-115. Relationship to Swimming Pool Regulations Governing the Posting of Water Quality Test Results..

The Swimming Pool Regulations Governing the Posting of Water Quality Test Results promulgated by the Board of Health under Title 32.1, Code of Virginia, shall be applicable to hotels.

~~12 VAC 5-430-120. Examination of employees for communicable disease.~~

~~All hotel employees shall submit to such examination or examinations as may be considered necessary by the State Health Commissioner when such employees are suspected of having communicable disease. It shall be the duty of the owner or manager of any hotel to exclude from service in the establishment any employee who shall be known to be infected with a communicable disease, except in circumstances individually approved by the State Health Commissioner.~~

12 VAC 5-430-125. Administration of Regulations.

These regulations are administered by the following:

A. State Board of Health. The State Board of Health (the Board), has responsibility to promulgate, amend and repeal regulations necessary to protect the public health.

B. State Health Commissioner. The State Health Commissioner (Commissioner), is the chief executive officer of the State Department of Health. The Commissioner has the authority to act for the Board when it is not in session (See § 32.1-20 of the *Code of Virginia*). The Commissioner may delegate his powers under these regulations in writing to any subordinate.

C. State Department of Health. The State Department of Health (the Department) is designated as the primary agent of the Board for the purpose of administering these regulations.

D. District or local health department. The district or local health department is responsible for implementing and enforcing the regulatory activities required by these regulations.

12 VAC 5-430-130. ~~Violation of regulations; penalties.~~

~~The operator of any establishment subject to the regulations issued herewith, who fails or refuses to comply with the provisions shall be guilty of a Class 3 misdemeanor and, additionally, subject to civil penalties as specified by § 35.1-7 of the Code of Virginia.~~

12 VAC 5-430-135. Right of Entry and Inspections.

In accordance with the provisions of § 35.1-5 of the *Code of Virginia*, the Commissioner or his designee shall have the right to enter any property to ensure compliance with these regulations.

PART II

PROCEDURAL REGULATIONS

Article 1

§Procedures

12 VAC 5-430-140 Applicability of Administrative Process Act

The provisions of the Virginia Administrative Process Act (9.6.14:1 et seq.) shall govern the procedures for rendering all case decisions.

12 VAC 5-430-150 Powers and Procedures of Regulations Not Exclusive

The Commissioner may enforce these regulations through any means lawfully available.

12 VAC 5-430-160 Effective Date of Regulations

The effective date of these regulations is XXXX.

12 VAC 5-430-170 Emergency Order

The Commissioner may, pursuant to § 32.1-13 of the Code of Virginia, issue emergency orders as is necessary to preserve the public health, safety, welfare and environment. Emergency orders arising out of matters governed by these regulations shall state the reasons and factual basis upon which the emergency order is issued. The emergency order shall state the time period for which it is effective.

12 VAC 5-430-180 Enforcement of Regulations

A. Notice. Whenever the Commissioner has reason to believe that a violation of Titles 32.1 or 35.1 of the *Code of Virginia* or of any provisions of these regulations has occurred or is occurring, the district or local health department shall so notify the alleged violator. Such notice shall be: (i) in writing, with a request to the owner to respond by providing any pertinent information on this issue they may wish; (ii) cite the statute, regulation or regulations that are allegedly being violated; and (iii) state the facts which form the basis for believing that the violation has occurred or is occurring. Such notification is not an official finding or case decision nor an adjudication, but may be accompanied by a request that certain corrective action be taken.

B. Orders. Pursuant to the authority granted in §§ 32.1-26 and 35.1-6 of the *Code of Virginia*, the commissioner may issue orders to require any owner, or other person,

to comply with the provisions of these regulations. The order may require the following:

1. The immediate cessation and correction of the violation;
2. Appropriate remedial action to ensure that the violation does not continue or recur;
3. The submission of a plan to prevent future violations;
4. The submission of an application for a variance; and
5. Any other corrective action deemed necessary for proper compliance with the regulations.

C. Hearing before the issuance of an order. Before the issuance of an order, the Commissioner must comply with the requirements of § 35.1-6 of the *Code of Virginia*.

D. Order - when effective. All orders issued pursuant to 12 VAC 5-430-180 shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of the owner or person violating these regulations or the

address provided by the applicant on his application to operate a hotel. Violation of an order is a class 3 misdemeanor. See § 35.1-7 of the Code of Virginia.

E. Compliance. The Commissioner may act as the agent of the Board to enforce all effective orders and these regulations. Should any person fail to comply with any effective order or these regulations, the Commissioner may:

1. Institute a proceeding to revoke the owner's permit in accordance with 12 VAC 5-430-320; or
2. Request the attorney for the Commonwealth to bring a criminal action; or
3. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or
4. Do any combination of the above.

F. Not exclusive means of enforcement. Nothing contained in 12 VAC 5-430-170 or 12 VAC 5-430-180 shall be interpreted to require the Commissioner to issue an order prior to seeking enforcement of any regulations or statute through an injunction, mandamus or criminal prosecution.

12 VAC 5-430-190 Suspension of Regulations During Disasters.

If in the case of a man-made or natural disaster, the Commissioner finds that certain regulations cannot be complied with and that the public health is better served by not fully complying with these regulations, he may authorize the suspension of the application of the regulations for specifically affected localities and institute a provisional regulatory plan until the disaster is abated.

12 VAC 5-430-200 Variances.

The Commissioner may grant a variance to these regulations by following the appropriate procedures set forth in this section.

A. Requirements for a variance. The Commissioner may grant a variance if he finds that the hardship imposed, which may be economic, outweighs the benefits that may be received by the public and that granting such a variance does not subject the public to unreasonable health risks or environmental pollution.

B. Application for a variance. Any owner who seeks a variance shall apply in writing to

the local health department. All requests for variances must be made in writing and received by the local health department prior to denial of the hotel permit, or within 30 days after such denial. The application for a variance shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical data including result of relevant tests conducted pursuant to the requirements of these regulations;
4. Statements or evidence which establishes that the public health, welfare and environment would not be adversely affected if the variance were granted;
5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare;
6. Other information believed pertinent by the applicant; and
7. Such other information as the district or local health department or Commissioner may require.

C. Evaluation of a Variance Application

1. The Commissioner shall act on any variance request submitted pursuant to 12 VAC 5-430-200-B within 60 days of receipt of the request.

2. In evaluating a variance application, the Commissioner shall consider such factors as the following:
 - a. The effect that such a variance would have on the operation of the hotel;

 - b. The cost and other economic considerations imposed by this requirement;

 - c. The effect that such a variance would have on protection of the public health, safety, welfare and the environment; and,

 - d. Such other factors as the Commissioner may deem appropriate.

D. Disposition of a Variance Request

1. The Commissioner may grant, modify or deny a variance request. If the

Commissioner denies variance, he shall provide the owner an opportunity to an informal hearing as defined by § 9-6.14:11 of the Code of Virginia. Following this opportunity for an informal hearing the Commissioner may reject any application for a variance by sending a rejection notice to the applicant. The rejection notice shall be in writing and shall state the reasons for the rejection. A rejection notice constitutes a case decision.

2. If the Commissioner proposes to grant a variance request, the applicant shall be notified in writing of this decision. Such notice shall identify the variance, the hotel involved, and shall specify the period of time for which the variance will be effective. Such notice shall provide that the variance will be terminated when the hotel comes into compliance with the applicable regulation and may be terminated upon a finding by the Commissioner that the hotel has failed to comply with any requirements or schedules issued in conjunction with the variance. The effective date of the variance shall be as noted in the variance letter.

3. All variances granted to any hotel maybe transferable unless otherwise stated. Each variance shall be attached to the permit to which it is granted. Each variance is revoked when the permit to which it is attached is revoked.

4. No owner may challenge the terms or conditions of a variance after 30 calendar

days have elapsed from the receipt of the variance.

12 VAC 5-430-210 Hearing Types.

Hearings before the Commissioner or his designee shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved.

A. Informal hearings. An informal hearing is a meeting with an employee or director of the district or local health department held in conformance with § 9-6.14:11 of the *Code of Virginia*.

B. Adjudicatory hearing. The adjudicatory hearing is a formal, public adjudicatory proceeding before the Commissioner or a designated hearing officer, held in conformance with § 9-6.14:12 of the *Code of Virginia*.

12 VAC 5-430-220 Request for Hearing.

A request for an informal hearing shall be made by sending the request in writing to the

district or local health department in the locality where the hotel is located. Requests for hearings shall cite the reason(s) for the hearing request and shall cite the section(s) of these regulations involved and must be received within 30 days of the decision by the district or local health department that lead to the hearing request.

12 VAC 5-430-230 Hearing as a Matter of Right.

Any person or named party whose rights, duties, or privileges have been, or may be affected by any case decision made in the administration of these regulations shall have a right to both informal and adjudicatory hearings. The Commissioner may require participation in an informal hearing before granting the request for a full adjudicatory hearing. Exception: No person other than an owner shall have the right to an adjudicatory hearing to challenge the issuance of a permit to operate unless the person can demonstrate at an informal hearing that the minimum standards contained in these regulations have not been applied and that he will be injured in some manner by the issuance of the permit.

12 VAC 5-430-240 Appeals.

Any appeal from a denial of a permit to operate a hotel must be made in writing and received by the local health department within 30 days of the date the denial letter was received.

A. Any request for hearing on the denial of an application for a variance pursuant to 12 VAC 5-430-200-D-1 must be made in writing and received within 30 days of receipt of the denial notice.

B. Pursuant to the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) an aggrieved owner may appeal a final decision of the Commissioner to the appropriate circuit court.

12 VAC 5-430-250 Grandfather Clause.

Permits granted to hotels prior to the effective date of these regulations shall remain valid until ownership changes or unless conditions at the hotel change in a manner that would adversely affect the public health, safety, welfare, or environment. Necessary alterations, modifications or repairs to a hotel shall not be grandfathered and shall comply with the version of the Virginia Uniform Statewide Building Codes in effect at the time the changes are made.

12 VAC 5-430-260 Submission of Plans, Specifications and/or other Data.

Whenever a hotel is constructed or remodeled or whenever an existing structure is converted to use as a hotel, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the director for review and approval before

construction, remodeling or conversion is begun. The plans and specifications shall detail such items as the layout of the hotel, plans for proposed buildings and structures, the proposed water source and distribution system, and the proposed sewage disposal system. Detailed plans and specifications shall be submitted for the food service establishment and swimming pool, if applicable. The director or the designee shall approve the plans and specifications if they meet the requirements of these regulations. No hotel shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the director or the designee. The director may waive the requirement for plans for minor modifications and renovations.

Whenever plans and specifications are required to be submitted to and approved by the director or his designee, he shall inspect the hotel prior to it beginning operation to determine compliance with the approved plans and specifications and with the requirements of these regulations.

The director's or designee's approval of any plans or specifications is no guarantee that plans or specifications are without error and the owner shall have final responsibility for the accuracy and completeness of the plan and specifications, including subsequent construction and installation.

12 VAC 5-430-270 Application for a Permit.

Any person desiring to operate a hotel shall make written application for a permit on an approved application form at least 30 days prior to the opening of the hotel. As a minimum, such application shall include name and address of the applicant who intends to operate, the proposed dates of operation, the number of rooms expected to be served on the busiest day, the type of sewage disposal system to be used, the type of water supply which will service the facility and the signature of the applicant. Upon review of the application, the director may require the applicant to submit such additional information as is required to evaluate the applicant's application for the permit.

12 VAC 5-430-280 Permits.

No person shall own, establish, conduct, maintain, manage, or operate any hotel in this Commonwealth unless the hotel is permitted as provided in this section. All permits shall be in the name of the owner or lessee. Permits shall not be issued to newly constructed or extensively remodeled hotel until a certificate of occupancy has been issued by the building official. Only a person who complies with the requirements of these regulations shall be entitled to receive or retain such a permit.

A. Nontransference of hotel permits. Permits issued after these regulations became effective shall not be transferable from one person to another or from one location to another. A new owner shall be required to make a written application for a permit. The

application forms are obtainable at all local health departments.

B. Conditional Permits. A conditional permit authorizes the owner of a hotel to operate the hotel under certain controlled conditions, which may include, but are not limited to, restrictions of the types of food the hotel can handle and type of swimming facility made available for public use.

C. Requirements for Posting Permits. The permit shall be posted in a place where it is readily observable by the public transacting business with the hotel.

12 VAC 5-430-290 Issuance of Permit.

Prior to the issuance of a permit, the director or his designee shall inspect the hotel to determine compliance with the requirements of these regulations. The department shall issue a permit to the applicant if its inspection reveals that the proposed hotel complies with the requirements of these regulations. The permit shall remain in effect (i.e., is self-renewing) unless otherwise suspended, revoked or surrendered by the owner. Also, ownership or leasee changes void the permit and the new owner must apply for a new permit.

A permit may be issued for a hotel that substantially complies with the criteria set forth in these sections. The director shall be responsible to determine what constitutes substantial

compliance.

12 VAC 5-430-300 Denial of a Permit.

Whenever the Department denies a hotel permit it shall, within 10 days of the inspection, send the applicant a written explanation of the reasons why the permit was denied.

12 VAC 5-430-310 Suspension of a Permit.

The director may suspend without an informal conference a permit to operate a hotel if the director finds the continued operation constitutes a substantial and imminent threat to the public health. Upon receipt of such notice that a permit is suspended, the permit holder shall cease operation immediately and begin corrective action.

Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing by certified mail or by hand delivery. Upon service of notice that the permit is immediately suspended, the former permit holder shall be given an opportunity to request an informal hearing. If a permit holder wants to request an informal hearing, he must submit a request in writing to the director within 10 working days after he receives notice of the suspension. The written request shall be filed with local department by the former holder of the permit. If written request for an informal hearing is not filed within ten (10) working days, the

suspension is sustained. Each holder or a suspended permit shall be afforded an opportunity for an informal hearing, within three working days of receipt of a request for an informal hearing. The director may end the suspension at any time if the reasons for suspension no longer exist.

12 VAC 5-430-320 Revocation of a Permit.

Prior to revocation, the director shall notify in writing the holder of the permit, or the person in charge, of the specific reason or reasons for which the permit is to be revoked. The permit shall be revoked at the end of the thirty days following service of such notice unless a written request for an informal conference is filed before then with the director. If no request for an informal conference is filed within the thirty day period, the revocation of the permit shall be final.

12 VAC 5-430-330 Permits Issued Under Prior Regulations.

Permits granted prior to the effective date of the regulations shall not require a new permit so long as the ownership of the hotel has not changed and the permit holder otherwise complies with these regulations.

12 VAC 5-430-340 Application After Revocation.

Any person whose permit has been revoked, may apply for a new permit, after complying with these regulations, by following the procedures of these regulations outlined in 12 VAC 5-430-270.

12 VAC 5-430-350 Periodic Inspection.

Hotels shall be inspected by the designee of the Commissioner. Inspections of the hotel shall be performed as often as necessary for the enforcement of these regulations. It shall be the responsibility of the operator of a hotel to give the health Commissioner or his designee free access to such premises at reasonable times for the purpose of inspection in accordance with §35.1-5 of the Code of Virginia.

12 VAC 5-430-360 Inspection Report.

Whenever an inspection of a hotel is made, the findings shall be recorded on the department's inspection report form(s). Examples of the forms can be found in the appendix of these regulations.

The original of the completed inspection report form shall be furnished to the person in

charge of the hotel at the conclusion of each inspection. The completed inspection report form, being a public document, shall be made available for public disclosure to any person who requests it according to law.

The inspection report shall state any failure to comply with any time limit for corrections and may result in the closing of the hotel. An opportunity for an informal conference on the inspection findings, a time limit, or both, shall be granted provided that a written request is filed with local health department within ten (10) days following the inspection or the cessation of operations. When a request for a hearing is received, the procedures outlined in 12 VAC 5-430-220 shall be followed.

Whenever a hotel is required to cease operation, under the provisions of 12 VAC 5-430-310, it shall not resume operations until a reinspection shows that conditions responsible for the order to cease operations no longer exists. Following a request for reinspection, it shall be made as soon as possible or within three working days.

12 VAC 5-430-370 Correction of Violations.

The completed inspection report form may specify a reasonable period of time for the correction of the violations found. Where a period of time for the correction is specified, the correction shall be accomplished within the period specified and in accordance with the following

provisions:

A. Should a substantial and imminent health hazard be declared by the director, including but not limited to substantial fire damage, sewage backing into the food preparation and service areas, lack of refrigeration or lack of water the operator shall immediately cease operations. Operations shall not be resumed until authorized by the director.

Authorization shall not be granted until such violations are corrected.

B. All violations specifying a reasonable period of time for correction shall be corrected as soon as possible, but in any event, within the period of time specified. A follow-up inspection shall be conducted by the director or his designee to confirm the corrections.

PART III

DESIGN, CONSTRUCTION AND OPERATIONAL CRITERIA

ARTICLE 1

12 VAC 5-430-380 Supervision.

The operator of a hotel, or his designated representative who is responsible for the premises, shall be available on the premises while it is open for use.

12 VAC 5-430-390 General Sanitation.

All buildings, other facilities, equipment fixtures, furnishings and the premises of a hotel

shall be kept clean, in good repair, and maintained so as to protect the health, safety, and well being of persons using those facilities.

12 VAC 5-430-400 Floor Requirements.

The floors of all lodging units, hallways, store rooms and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, and shall be kept clean and in good repair. The requirements of this part shall not prevent the use of rugs, carpets, or natural flooring so long as they are clean and in good repair. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.

12 VAC 5-430-410 Walls and Ceiling Requirements.

The walls and ceilings of all lodging units, hallways, bathrooms, store rooms and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. Cleaning of walls and ceilings shall be so done as to minimize the raising of dust and the exposure of guests thereto. Studs, joists, or rafters shall not be left exposed except when suitably finished and kept clean.

12 VAC 5-430-420 Room Furnishing Requirements.

All equipment, fixtures, furniture, windows, and furnishings, including draperies, curtains, carpets, other floor materials shall be kept clean and free of dust, dirt, vermin, and other contaminants, and shall be maintained in good order and repair.

12 VAC 5-430-430 Air Volume, Heat, Light, and Ventilation.

Each lodging unit shall be constructed and maintained in accordance with the Virginia Uniform Statewide Building Code.

12 VAC 5-430-440 Box Springs, Mattresses, Bedding and Linen.

A. Box springs and mattresses shall be clean and in good repair.

B. Conventional mattress covers or pads shall be used for the protection of mattresses and shall be kept clean and in good repair.

C. All sheets, pillowcases, towels, washcloths, and bathmats shall be kept clean and in

good repair, freshly laundered and sanitized between occupants and changed at least once every 7 days if used by the same occupant.

D. When a blanket is placed on the bed, then the upper sheet is to be of sufficient length to fold and overlap the top section of the blanket.

E. All clean bedding and linen shall be stored in a clean and dry place.

F. All soiled bedding and linen shall be handled and stored so as not to contaminate clean bedding and laundry.

G. Containers for transporting or storing bedding and linen shall be constructed of impervious materials and shall be smooth and easily cleanable.

H. Laundry storage rooms are to be separated from staff living quarters and be kept in a clean and organized fashion.

EXEMPTION: 12 VAC 5-430-440-H shall not apply to bed and breakfast facilities.

I. All blankets, quilts, bedspreads, and comforters shall be maintained in a sanitary and good condition.

12 VAC 5-430-450 Bed spacing.

A. Bed arrangements of lodging units shall provide not less than thirty (30) inches clear space between each bed, cot, or bunk.

B. No lodging unit shall contain more than two tiers of beds. When two tiers are used, there shall be at least:

1. Three (3) feet of clear vertical space between tiers of beds and between the top tier and ceiling;

2. Four (4) feet of space between tiered beds;

C. There shall be sufficient space between the floor and the underside of the of the beds to facilitate easy cleaning. In lieu of such space, the bed shall have a continuous base or shall be on rollers.

12 VAC 5-430-460 Toilet, Lavatory, and Bath Facilities.

A. The required number of sanitary fixtures shall be in accordance with the Virginia Uniform Statewide Building Code.

B. Toilets, lavatories and bath facilities shall be maintained in a clean and sanitary condition and maintained in good repair.

C. The location and use of all public toilet and bath facilities shall be clearly indicated by appropriate signs.

D. Toilet, lavatory, and bath facilities for hotel patrons located in private homes shall be separate from toilet and bath facilities utilized by the owner or operator of said hotel.

E. All lavatories, bathtubs, and showers, shall be provided with hot and cold water except where otherwise specifically exempted by the department.

F. Toilet and bathrooms shall:

1. Have floors which are finished with a material that is smooth, easily cleanable, impervious to water, and coved to a height of four (4) inches. The use of carpet is prohibited.

2. Have shower compartments with walls which are in accordance with the Virginia Uniform Statewide Building Code. An effective water-tight joint between the wall and the floor shall be maintained.

3. Have interior finishes which are smooth, easily cleanable, and impervious to water.

4. Where rubber or impervious mats are used, have such mats clean and dry between usages.

5. Have bathtub and shower stall floors that are finished with non-slip, impervious surfaces or provided with non-slip impervious bath mats.

6. Where glass bath or glass shower doors are used, have such doors made of safety glass.

7. Provide toilet tissue, soap, towels, and a waste receptacle.

G. All plumbing installations shall be in accordance with the Virginia Uniform Statewide Building Code.

A. A minimum of one (1) water-tight, non absorbent and easily washable waste receptacle shall be provided in each lodging unit. Such receptacle shall be kept clean and in good repair.

B. Solid waste shall be collected daily from rooms and areas used by guests.

C. Solid waste shall be disposed of in accordance with all applicable local ordinances and state laws and regulations.

D. Solid waste shall be stored in either individual garbage containers, bins, or storage vehicles.

E. All such bulk storage containers or vehicles shall:

1. Have tight fitting lids or covers;

2. Be durable, rust resistant, water-tight, rodent proof, readily washable, and kept in good repair.

F. Solid waste shall be removed from the hotels premises at regular intervals. Collection

frequency shall be such so as not to create:

1. Vector production and sustenance;
2. Objectionable odors;
3. Any overflowing of solid waste or other unsanitary condition.

G. Solid Waste shall be transported in accordance with all applicable local ordinances and state law and regulation.

12 VAC 5-430-480 Vector Control.

A. Vector control measures shall be employed to prevent vector infestations in or around hotels.

B. Insect and rodent control measures to safeguard public health and to prevent nuisance to the public shall be applied. Developed areas, buildings, and structures shall be maintained free of accumulations of debris.

C. Application of pesticides or rodenticides must be conducted by a Virginia Department

of Agriculture and Consumer Services certified pesticide applicator or under the direct supervision of a Virginia Department of Agriculture and Consumer Services certified applicator.

D. The presence of any rodent, such as mice and rats, reptiles or any insect infestation shall be evidence that sufficient vector control measures have not been implemented at the hotel, and shall be considered a violation of these regulations.

12 VAC 5-430-490 Spas, Swimming Pools, and Other Swimming Facilities.

Any spa, swimming pool, or other swimming facility located at or operated in connection with a hotel shall comply with the department's Swimming Pool Regulations.

12 VAC 5-430-500 Water Supply Systems.

A. Water supply systems serving hotels shall comply with the department's *Waterworks Regulations* or the *Private Well Regulations*.

B. The water supply distribution system shall be designed, constructed, and maintained in cooperation with the Virginia Statewide Uniform Building Code.

C. Water heaters shall have installed an approved A.S.M.E. pressure relief valve which is accessible for inspection and testing.

D. Where drinking fountains are provided, they shall be of an angle jet type with adequate water pressure at all times.

12 VAC 5-430-510 Sewage Disposal.

A. Hotels shall provide an adequate and safe sewerage system.

B. Sewage and waste water shall be disposed of into a public sewerage system or by a sewage system constructed and operated in accordance with applicable laws regulations of the department.

C. No untreated or partially-treated sewage, liquid waste, or septic tank effluent shall be discharged directly or indirectly onto the surface of the ground or into public waters.

12 VAC 5-430-520 Fire Safety.

Hotels shall comply with the Virginia Uniform Statewide Building Code Fire Safety Requirements.

12 VAC 5-430-530 Chemical and Physical Hazards.

A. Cleaning equipment, supplies, pesticides, rodenticides, chemicals, paints, and other toxic substances shall be kept isolated from guests and stored so as to prevent contamination of clothing, toweling, and bedding materials. All applications of chemicals including, but not limited to, cleaners and disinfectants shall be in accordance with the manufacturers' recommendations.

B. All toxic substances shall be clearly identified and accurately labeled as toxic.

C. Housekeeping carts shall be kept organized such that clean linens, single service items, ice buckets, and glassware stored on these units shall be protected from contamination by toilet brushes, soiled linen, cleaning agents, or any other possible sources of contamination.

D. All stairways shall be provided with firmly attached handrails and guardrails in accordance with the Virginia Uniform Statewide Building Code.

E. All boilers and pressure vessels shall be approved and maintained in accordance with the applicable state statutes.

12 VAC 5-430-540 Food services.

A. Eating and drinking establishments, commissaries, mobile units, and vending machines operated in conjunction with a hotel shall be operated in compliance with the *Rules and Regulations of the Board of Health, Commonwealth of Virginia, Governing Restaurants.*

B. When reusable glassware are provided by the hotel they must be properly washed, rinsed, and sanitized. An approved three-compartment sink or a commercial dishwashing machine is to be provided in a kitchen or separate room for the purpose of performing this function.

1. Sanitized glassware shall be stored in a clean site that is removed from sources of contamination.

2. A single-service cover is to be placed on the opening of the glassware prior to its removal from the cleaning site. If this cover is removed by the guest then the glassware is presumed to be soiled and shall be washed and sanitized.

C. Single service ware shall be properly stored and protected from contamination. The reuse of these items is prohibited.

D. Ice buckets shall be constructed and repaired with safe materials; shall be corrosive resistant, non-absorbent, non-toxic, smooth, easily cleanable and durable under conditions of normal use. Single service ice buckets may be used if intended for one use only and if made from clean, sanitary safe materials.

E. When ice buckets are provided by hotels they must be properly washed, rinsed and sanitized. An approved (3) three compartment sink or commercial dishwashing machine is to be provided in the kitchen or a separate room for the purpose of performing this function. A food grade liner may be used in lieu of a three compartment sink to protect ice from contamination as long as the liner and ice bucket itself are clean and of approved construction. When ice buckets are provided, they must have either an approved lid or a food grade liner available to protect ice from contamination.

F. Bottled or packaged water shall be obtained from an approved source and shall be packaged, handled, sorted and dispensed in a way that protects it from contamination.

G. Any hotel which makes ice available in public areas, including but not limited to

lobbies, hallways, and outdoor areas shall restrict access to such ice in accordance with the following provisions.

1. Newly constructed facilities - after the effective date of these regulations, any newly constructed hotel which installs ice-making equipment, and any existing hotel which installs or replaces icemaking equipment, shall install only automatic dispensing, sanitary ice-making and storage equipment in areas accessible to the public. Any such establishment may install open bin type ice machines in areas not accessible to the public provided they meet the requirement of 12 VAC 5-430-540-G-2.

2. Existing facilities - two years after the effective date of these regulations, any existing hotel which has not converted to automatic dispensing, ice-making and storage shall no longer permit unrestricted public access to open type ice bins and shall dispense ice to guests only by having employees give out prefilled, individual sanitary containers of ice or by making available prefilled, disposable, closed bags of ice.

H. EXEMPTION Bed and breakfast facilities are exempt from 12 VAC 5-430-540.A and 12 VAC 5-430-540.B. Bed and breakfast facilities shall comply with all sections of the *Rules and Regulations of the Board of Health, Commonwealth of Virginia, Governing*

Restaurants governing semi-public restaurants serving 12 or less recipients of service.

12 VAC 5-430-550 Lodging Unit Kitchens.

A. Cooking by guests in lodging units that have not been equipped with kitchens or efficiency type kitchen facilities which do not conform to the Virginia Statewide Uniform Building Code is prohibited.

B. Kitchen equipped lodging-units shall have:

1. A sink suitable for dishwashing with hot and cold water.
2. A refrigerator capable of maintaining a food temperature of forty-five (45) degrees Fahrenheit or less.
3. Utensils and equipment, if supplied, shall be easily cleanable, durable, and kept in good repair.
4. Utensils supplied in lodging units shall be washed, rinsed, and sanitized after each occupancy and have a notice stating "For your convenience, dishes and utensils have been washed and sanitized. If you would like to further sanitize these

items, please contact the manager". The sanitizing agent shall be available in the office.

12 VAC 5-430-560 Examination of Employees for Communicable Diseases.

All hotel employees shall submit to such examination or examinations as may be considered necessary by the Commissioner when such employees are suspected of having communicable disease. It shall be the duty of the owner or manager of any hotel to exclude from service in the establishment any employee who shall be known to be infected with a communicable disease, except in circumstances individually approved by the Commissioner.

12 VAC 5-430-570 Pets.

The person operating a hotel may establish and enforce rules designed to prohibit or control pets. No guest shall allow his pet to run at large or be a nuisance.

12 VAC 5-430-580 Posting of Rates and Code.

All operators shall post conspicuously in each lodging unit occupied by transient guests the rates for the room together with Section 8.01-42.2 and Section 35.1-27 and Section 35.1-28

of the *Code of Virginia* in which are prescribed the duties, liability of guests for hotel damage and limitation of liability of guests for hotel damage from innkeepers.